

pressure on these groups.” However, the group warned: “During its deliberations, the Study Group was advised that a complete U.S. withdrawal without a peace agreement would allow these groups to gradually rebuild their capabilities in the Afghanistan Pakistan region such that they might be able to attack the U.S. homeland within eighteen to thirty six months.” This timeline is short, alarming, and has direct implications for our national security.

Also, an immediate concern as the United States begins to withdraw is an increase in attacks from Afghan forces against the United States and coalition forces, commonly referred to as “green on blue attacks.” Finally, we must anticipate a flood of refugees as Afghans flee the chaos. In addition, we must do our part to aid those Afghans who have aided us.

Given these facts and given the President's difficult decision to leave Afghanistan, I believe we must take serious actions to mitigate these threats. The withdrawal of U.S. forces should not mean an end to our counterterrorism efforts. Most importantly, we must ensure that Afghanistan will not be a source of planning, plotting, or projection of terrorist attacks around the globe, including against our homeland.

Instead, we must transition to a new type of presence leaving the country but staying in the region in a meaningful capacity. We must build an anti terrorism infrastructure on the periphery of Afghanistan. We must continue to direct the proper level of attention, intelligence, and resources to evaluate the evolving terrorist threat in the region. This also includes closer cooperation with our allies and partners.

We must continue to engage regional powers diplomatically, and the Biden administration has already begun to reinvigorate that process. We must use the power of our alliances and particularly those in the region who would endure severe consequences and instability from sharing a border with a failed Afghanistan. Working in cooperation, the United States and its allies and regional partners must be a check on potential instability.

President Biden is committed to ensuring that this is not a forever war. But he has also made it clear he won't allow Afghanistan to become a safe haven for terrorism. Our mission to protect the homeland remains. Our duty to do so remains. As we go forward, this is a moment of transition, not of closure; this is a moment to do all we can to protect this country and hopefully ensure a safer region.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

MOTION TO DISCHARGE

Mr. LEE. Mr. President, I stand today in opposition to this illegitimate motion to discharge the nomination of Vanita Gupta to become the Associate Attorney General of the United States.

I say that this motion to discharge is illegitimate because it was—because

the Senate Judiciary Committee and its chairman decided unilaterally to ram through a vote on Ms. Gupta in violation of the rules and precedents of the Senate Judiciary Committee.

As has been the longstanding tradition in the Judiciary Committee, members were debating the nomination of Vanita Gupta and expected that everyone would be given the opportunity to speak.

But in the middle of a speech being delivered by one of the Judiciary Committee's members, Senator COTTON from Arkansas, the chairman of the committee, Senator DURBIN, cut him off and unilaterally proceeded to a vote, effectively nuking the committee rules that should have allowed Senator COTTON and others to speak.

Never, in the more than 10 years that I have served on the Judiciary Committee, have I seen a chairman of that committee so blatantly, brazenly violate rule and principle and precedent in this way. This behavior is not only unusual, but it is inexcusable.

Lengthy debate in committee markups is actually much more common than some in this Chamber might have you believe. For example, Democrats filibustered the nomination of former Attorney General Jeff Sessions for so long that then-Chairman CHUCK GRASSLEY was forced to delay a consideration of his nomination until the next markup.

You have got that right. Chairman GRASSLEY actually followed the committee rules and allowed for all of our colleagues to speak, notwithstanding the fact that they disagreed with him, notwithstanding the fact that it was contentious, notwithstanding the fact that he didn't like what they were saying.

And by doing so, he was forced—because he was complying with the rules and the precedents of the Senate—to delay the consideration of Attorney General Sessions' nomination. But that is what he did. He did that instead because it was preferable to an act of unilaterally forcing a vote and thereby nuking the Judiciary Committee's rules.

Now, to put this in context, we need to understand that Judiciary Committee rule IV states:

The Chair shall enter a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bringing a matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with twelve votes in the affirmative, one of which must be cast by the minority.

Rule IV essentially preserves the right of minority members to speak.

Chairman DURBIN decided to nuke that part of rule IV in particular because he knew that he didn't have 12 votes to prematurely end debate.

Now, when you are in the majority, it can be tempting to run right past certain rules, knocking things over in the process in order to get your party's

nominees confirmed. But I think it is important for us to resist that temptation in order to protect the rules of our institution from partisan passions.

Following these rules, respecting minority prerogatives, is precisely what allows us to maintain bipartisan cooperation in the Senate and lower the partisan tensions in our country. This is all the more important when we consider that there is no true majority in the Senate, and there is no majority at all on the Senate Judiciary Committee.

Unfortunately, with this breach, it looks like some of my colleagues might prefer convenience over debate. I find that most unfortunate, especially because I have worked with so many of them on a bipartisan basis on so many issues.

Now, some of my colleagues may claim that Republicans have done this very thing many times. That, however, is not the case. On multiple occasions, we allowed for extended debate and even delayed reporting of matters before the committee, like Attorney General Sessions' nomination and the Crossfire Hurricane subpoenas, until the next markup. When we set votes with the consent of the majority, the chairman followed committee precedent and did so through a rollcall vote—again, consistent with committee precedent.

NOMINATION OF VANITA GUPTA

Now, you might ask why Republicans felt so strongly about speaking on Ms. Gupta's nomination before the vote was cast in the committee markup. Well, it might have something to do with the fact that Ms. Gupta's answers to questions were troubling to many members on the committee, including answers to questions regarding a wide range of topics, including the legalization of narcotics, eliminating qualified immunity, defunding police, the death penalty, among many others, and the fact that it appears that many of those answers were inconsistent with her past statements, and in other cases, difficult to defend.

When before the Judiciary Committee, Ms. Gupta provided answers to questions regarding some of these evolving positions. Many of those answers were less than compelling—indeed, she seemed to be intending to distance herself from fairly radical positions that she had, in fact, taken in the past.

Before the same committee, the Senate Judiciary Committee, the very same Judiciary Committee that recently had this markup vote that ended in a violation of the Senate rules—before that very same committee last year, on June 16, 2020, Ms. Gupta testified under oath that leaders must “heed calls . . . to decrease police budgets and the scope, role, and responsibility of police in our lives.” When asked about her advocacy for defunding the police, Ms. Gupta said that she “disagreed” with that characterization.